

September 12, 2007

The Honorable Carl Levin
United States Senator
107 Cass Street, Suite E
Traverse City, MI 49684

Dear Senator Levin:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 9, 2007, addressed to Ms. Rebecca Schmidt, Director, Office of Congressional Affairs. In your letter, you requested that the NRC assist Ms. Kimberly Kleinfelter regarding her inquiry pertaining to irradiated gemstones. Ms. Kleinfelter states that she has been notified by a trade organization that she needs an NRC license to import or possess irradiated gemstones.

When irradiation is used to intensify or alter the color of gemstones, artificial radioactive materials known as activation products can be produced within the gem structure. This includes irradiating topaz to produce a variety of colors. It is generally assumed that gems treated in this way are stored for a predetermined length of time to eliminate short-lived activation products prior to the gems being released onto the open market.

The NRC's mission is to ensure that public health and safety, common defense and security, and the environment are protected, including ensuring that the civilian community can use radioactive materials for beneficial purposes. A license from the NRC known as an "exempt distribution license" is required to distribute small quantities of certain types of radioactive material, including irradiated gemstones. The licensed distributor is required to ensure that all products are manufactured, tested, and distributed in accordance with regulations and the license specifications. Once the material is distributed under the specifications of an exempt distribution license, however, regulatory control is no longer needed.

Thus, Ms. Kleinfelter's need for a license depends on how she obtains the gemstones for her business. If Ms. Kleinfelter's business irradiates gemstones or imports irradiated gemstones, then an exempt distribution license is necessary. If Ms. Kleinfelter's business is receiving irradiated gemstones from a domestic distributor, then she does not need a license to possess the gemstones, but the distributor should have one.

We are working to set up a call with Ms. Kleinfelter to answer her questions. If you have any questions or need additional information on this matter, please feel free to contact me. I hope that you find this information helpful.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

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